

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

IN RE MASSACHUSETTS DIET DRUG LITIGATION

Andrus, et al. v. Indevus Pharmaceuticals, Inc., et al.

Civil Action No. 04-10911 GOA

Holly Marie Malzahn and Frederick Charles Malzahn;
Kathleen Adele Ailey; Suzanne Ayer; Donna Fay Bische;
Jacqueline Brulee; Mary Lou Doeppenschmidt; Fernando I.
Dominguez and Mary O. Dominguez; Frederic B. Eisenberg
and Patricia Eisenberg; Bert L. Head and Cheryl Head; Connie
Klein and Bruce A. Klein; Suzan M. Lamar and Gary Phillip
Lamar; Patti J. Luebbert and Dennis C. Luebbert, Sr.; Judith
L. Moon and Billy D. Moon; Peggy Moon; Vickie Schultz-Crow
and Lester Don Crow; Dorothy Steward; Sylvia B. Thomason;
and Theresa A. Waymire,

Plaintiffs.

v.

Indevus Pharmaceuticals, Inc., F/K/A Interneuron
Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home
Products Corporation; Wyeth Pharmaceuticals, Inc F/K/A
Wyeth-Ayerst Pharmaceuticals, Inc., A Division Of American
Home Products Corporation; and Boehringer Ingelheim
Pharmaceuticals, Inc.; Patti A. Barker; Gary A. Jones;
Kenneth E. Jones; John W. Walker; Keith Cunniff; John E.
Mitchell; Susan K. Atherton; Keith H. Krap; M. Gilberto
Olivarez; Angela M. Johnson; Rafael Sanchez; Jill M. Hicks;
Susan G. Hanover; Joseph Hartnett; James J. Sgroi, Jr.; Todd
E. Meredith; Kari Plaschke Scott; Craig S. Englert; Mitchell J.
Hanning; Monica T. Gulyas; Robert L. McCann; Timothy S.
Smith; Evangelin Zelios; J. Don Preston; Daniel B. Burke;
Mindy N. Fey; A. Durwood Neie; Rodney L. Scott; D. Craig
McIntyre; Barbara St. George; Madeline Andress; Andrew B.
Biaggi; and Franchesca V. Williams,

Defendants.

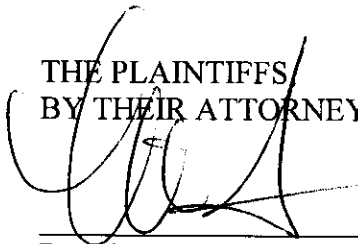
STIPULATION OF
DISMISSAL

Civil Action No.
04-11428-GAO

STIPULATION OF DISMISSAL

The Plaintiffs in the above-referenced matter and the Defendants, Indevus Pharmaceuticals, Inc., Wyeth, Inc., Wyeth Pharmaceuticals, Inc., and Boehringer Ingelheim Pharmaceuticals, Inc., hereby stipulate pursuant to Fed.R.Civ.P. 41(a)(1)(ii), that the Plaintiffs claims against the Defendant Sales Representatives only: Patti A. Barker; Gary A. Jones; Kenneth E. Jones; John W. Walker; Keith Cunniff; John E. Mitchell; Susan K. Atherton; Keith H. Krap; M. Gilberto Olivarez; Angela M. Johnson; Rafael Sanchez; Jill M. Hicks; Susan G. Hanover; Joseph Hartnett; James J. Sgroi, Jr.; Todd E. Meredith; Kari Plaschke Scott; Craig S. Englert; Mitchell J. Hanning; Monica T. Gulyas; Robert L. McCann; Timothy S. Smith; Evangelin Zelios; J. Don Preston; Daniel B. Burke; Mindy N. Fey; A. Durwood Neie; Rodney L. Scott; D. Craig McIntyre; Barbara St. George; Madeline Andress; Andrew B. Biaggi; and Franchesca V. Williams, be dismissed without prejudice and without costs.

THE PLAINTIFFS
BY THEIR ATTORNEYS,



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A handwritten signature in cursive script, reading "W. McCormack", followed by a circled monogram "WMC".

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INGELHEIM PHARMACEUTICALS, INC.,

A handwritten signature in cursive script, reading "Matthew J. Matule", followed by a circled monogram "MJM".

Matthew J. Matule, BBO# 632075

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DATED: July 21, 2004.

CERTIFICATE OF SERVICE

This is to certify that I have this day served Stipulation of Dismissal upon all served parties to the above-captioned action by first class, postage prepaid mail to the following:

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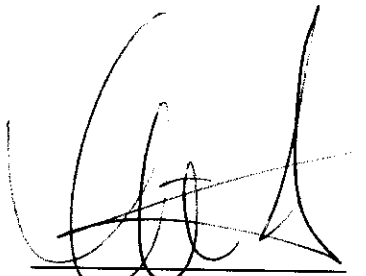
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This 21st day of July, 2004.

A handwritten signature in black ink, appearing to read 'David C. Strouss', written over a horizontal line.

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July 21, 2004

Hand Delivered

Mr. Mark Barrett,
Docketing Clerk
Civil Clerk's Office
U.S. District Court for
the District of Massachusetts
One Courthouse Way
Boston, MA 02210

Re: Malzahn, et al. v. Indevus, et al.
C.A. # 04-11428-GOA

In Re Massachusetts Diet Drug Litigation, *Andrus, et al. v. Indevus
Pharmaceuticals, Inc., et al.*, Civil Action No. 04-10911 GOA

Dear Mr. Barrett:

Enclosed for filing in the above-referenced matter please find Plaintiffs'
Stipulation of Dismissal and Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,


Marilyn T. McGoldrick

MTM:mvc

Enclosures

cc David C. Strauss, Esquire (w/o enclosures)

Amy Carter, Esquire (w/o enclosures)

Jory Lange, (w/o enclosures)

Defendant's Counsel of Record